

REMARKS

I. The Status of the Claims

Claim 7 is canceled.

II. The Restriction and Election of Species Requirements

The Office requires restriction of the claims to one of the following inventions:

Group I, claims 1-6 and 8, drawn to a compound, pharmaceutical composition, method of making and method of using formula (I). The Office also requires further election of a single species of compound.

Group II, claims 9-10, drawn to compound from Micromonospora spp JS 1035 deposit No. LMG P-12525. The Office also requires further election of a single species.

Group III, claim 11, drawn to microorganism deposited under deposit No. LMG P-12525. The Office also requires further election of a single species.

Group IV, claim 12, drawn to microorganism deposited under deposit No. LMG P-12526. The Office also requires further election of a single species.

In response, Applicants elect Group I, claims 1-6 and 8, drawn to a compound, pharmaceutical composition, method of making and method of using formula (I), with traverse. Applicants submit that a search and examination of the claims directed to the compound of formula (I) (Group I) and microorganisms producing the compound (Groups II, III and IV) would not place an undue burden on the Office. See MPEP § 803. Applicants therefore submit that the compound of claims 9-10 and the microorganisms of claims 11 and 12 should also be examined in this application. To respond to the election of species requirement, Applicants provisionally elect the compound of formula (I) with traverse. However, Applicants submit that given that the compound recited in claims 1-6 and 8 is a single chemical structure, a search and examination of such compound and tautomers and salts thereof would not place an undue

burden on the Office and an election of species is therefore not warranted. Applicants reserve the right to file divisional application(s) on the non-elected claims.

Reconsideration and withdrawal of the restriction and election of species requirements are respectfully requested.

III. Conclusion

Early consideration and prompt allowance of the pending claims are respectfully requested. Should the Office require anything further, it is invited to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

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